

result from re-writing claim 28 into independent form, and are supported by original claims 1-3 and 28, as well as the specification from page 35, 3<sup>rd</sup> full paragraph to page 36, 2<sup>nd</sup> paragraph.

Applicants also note that the Office Action has accidentally failed to consider the original claims 47 and 48 (both mistakenly numbered "47").

Applicants submit that all the new claims belong to the elected Group II, directed to nucleic acids encoding polypeptides of Groups I, V and VI. Accordingly, Applicants submit that the claims of Groups I, V, and VI are so closely related to the elected claims of Group II that there would be no significant additional burden on the Examiner to search Groups I, II, V, and VI simultaneously. Pursuant to MPEP 803, a restriction is improper if there is no serious burden on the Examiner to search all Groups simultaneously. Therefore, reconsideration and withdrawal of the restriction requirement between Groups I, II, V, and VI are respectfully requested.

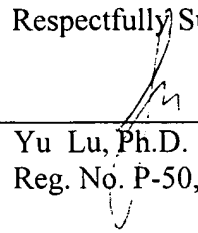
Similarly, Groups III and IV together with the non-considered claims 47-48 have only 6 claims directed to use of products claimed in Groups I, II, V and VI. Applicants submit that there is no significant additional burden on the Examiner to search these Groups with the others, and therefore reconsideration and withdrawal of the restriction requirement are respectfully requested.

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Date: December 20, 2001

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Respectfully Submitted,

  
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